

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

STC.UNM,

Plaintiff,

v.

TP-LINK TECHNOLOGIES CO., LTD.,

Defendant.

CIVIL ACTION NO. 6:19-cv-262

JURY TRIAL DEMANDED

**STATUS REPORT REGARDING SERVICE OF DISCOVERY ON TP-LINK USA
CORPORATION**

1. On January 2, 2020, the Court issued its Order Regarding Motion for Reconsideration of Plaintiff's Motion for Leave to Effect Alternative Service (Dkt. 8) (the "Order"). In the Order, the Court concluded that Plaintiff STC.UNM "has now provided sufficient facts for at least a *prima facie* case that [Defendant TP-Link Technologies Co., Ltd. (hereafter "TP-Link China")] exerts the kind of control over its subsidiary [TP-Link USA Corporation (hereafter "TP-Link USA")] necessary to establish an alter ego status." *Id.* at 7.

2. Based on that finding, the Court granted leave for STC.UNM to serve discovery on TP-Link USA, including document requests and a corporate representative deposition notice, in order to discover whether sufficient facts exist to warrant service of process on TP-Link USA as the agent of TP-Link China.

3. STC.UNM prepared subpoenas for document production and a corporate representative deposition for service on TP-Link's registered agent, Yongsheng Liu, at 145 S. State College Blvd., Suite 400, Brea, California 92821. The subpoenas called for documents to be produced by February 11, 2020, and for a corporate representative deposition to occur on March 3, 2020.

4. Thereafter, a process server made diligent attempts to serve the subpoenas on Yongsheng Liu at the above address. The process server reported that he was unable to serve Mr. Liu, and that

he “was told [Mr. Liu] is in China and isn’t due back until the 2nd week in February.” *See* Reports attached as Exhibits A and B hereto.

5. After receiving the report that Mr. Liu was in China, STC.UNM discovered another registered agent for TP-Link USA named Deyi Shu, who was located at the same address in Brea, California. STC.UNM’s process server then attempted to serve the subpoenas on Mr. Shu, but was “again informed that [Mr. Shu] is also *in China along with all of the head execs*,” and that they are expected to return “sometime in February.” *See* Declarations of Eric Wilkins attached as Exhibits C and D hereto (emphasis added).

6. STC.UNM submits that the fact that *all* of TP-Link USA’s executives are currently in China, where the Defendant is headquartered, constitutes further evidence that the two companies are so intertwined as to deem TP-Link USA to be TP-Link China’s agent for service of process. Nevertheless, STC.UNM will continue to make diligent efforts to serve its subpoenas on TP-Link USA, and it will keep the Court apprised of its progress. STC.UNM does not know how current travel restrictions from mainland China to the United States might delay efforts at service, if at all. *See* <https://www.cnn.com/2020/02/02/us/coronavirus-us-travel-restrictions/index.html> (noting that “US citizens returning from [mainland China] ... may face up to 14 days of self-monitored quarantine”) (last visited February 4, 2020).

Dated: February 5, 2019

Respectfully submitted,

By: /s/ William D. Ellerman
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